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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/879,601	06/12/2001	Prabhat Jain		3613

7590 06/07/2004  
JOEL LEMA  
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EXAMINER

CHAWAN, SHEELA C

ART UNIT PAPER NUMBER

2625

DATE MAILED: 06/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/879,601

Applicant(s)

JAIN ET AL.

Examiner

Sheela C Chawan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Specification***

1. The disclosure is objected to because of the following informalities:

Page, 1, in the " Drawings " change " fig 1 " to -- fig 1A -1B --.

Appropriate correction is required.

***Drawings***

2. The Examiner has approved drawings filed on 6/12/01.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(a) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-12, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimbrough et al. (US. 5,926,388), in view of Nahan et al. (US. 6,343,273 B1).

As to claim 1, Kimbrough discloses a process for creating a three-dimensional physical replica of a subject (abstract), comprising:

a) digitizing an image of a subject at a scanning center using three-dimensional image digitizers to produce a raw file (abstract, fig 5, item 21 digitizing the person's head in 3D image to reproduce a person head, column 4, lines 53- 67, column 5, lines 1- 5);

b) processing the image at the scanning center to produce an enhanced output file (abstract, column 4, line 53 through columns 5, line 4);

d) manufacturing (fig 6, milling machine item 27, reviews the 3-D model 20 to verify the image, the digitized information is sent to the milling machine 27 through connection 26) a three-dimensional physical replica of the subject from the enhanced output file (column 5, line 29 through column 6, line 22).

Kimbrough discloses a system and method for producing a three dimensional image of a human's head. Kimbrough is silent about specifies details of electronically transmitting the enhancing output file to a fulfillment center.

Nahan discloses computerized multimedia system, and more particularly to such systems for exploring and executing transactions. The system comprises of: electronically transmitting the enhanced output file to a fulfillment center (fig 21, column 12, lines 43- 67). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kimbrough to include

an electronically transmitting the enhanced output file to a fulfillment center. It would have been obvious to one of ordinary skill in the art at the time of invention to modify Kimbrough by the teaching of Nahan in order to enable dealers to electronically market their artwork and electronically consummate transactions involving such artwork on a worldwide basis, (as suggested by Nahan at column 2, lines 34- 36).

As to claim 2, Kimbrough discloses the process wherein in (b), the raw file is processed to remove distortion and repair any problems in the file (column 5, lines 5-33).

As to claim 3, Nahan discloses the process wherein in (b), the raw file is processed to enhance the artistic value of the raw file (column 3, lines 23-61).

As to claim 4, Nahan discloses the process wherein in (b), the raw file is processed with the addition of identification indicia (column 7, lines 51- 55).

As to claim 5, Nahan discloses the process of wherein in (b), the raw file is processed to combine the raw file with other files to generate a new raw file (column 4, lines 32- 49, column 9, lines 35-41, column 10, line 56 through column 11, line 1-9).

As to claim 6, Kimbrough discloses the process wherein in (b), the raw file is processed into a form suitable for the manufacturing machines (fig 6, item 27, column 5, lines 66- 67, column 6, lines 1- 6).

As to claim 7, Kimbrough discloses the process of claim 1, further comprising: using a sculptor to further refines the replica physical object for artistic

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enhancement (abstract, column 4, line 53 through column 5, line 4).

As to claim 8, Kimbrough discloses the process further comprising: specifying an object material out of which the replica is produced (column 6, lines 23- 33, column 6, lines 23-33).

As to claim 9, Kimbrough discloses the process further comprising: the deposition of a metal surface on the replica (column 6, lines 23- 33, column 5, lines 44- 56).

As to claim 10, Kimbrough discloses the process further comprising: using the physical replicas as patterns for casting (column 6, lines 23- 33).

As to claim 11, Kimbrough discloses the process further comprising: mass-producing the physical replicas (column 5, lines 12- 22, 29- 65).

As to claim 12, Kimbrough discloses the process, further comprising: mounting the physical replica on structures for artistic presentation (column 3, lines 50- 61).

*Other prior art cited*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Riga et al. (US. 5,818,042) discloses apparatus for creating three-dimensional physical models of characteristics of microscopic objects.

Morioka (US. 5,768, 643) discloses method of producing photographic relief.

Gans (US.5,940,167) discloses process and apparatus for displaying animated image.

Blair (US.4,659,319) discloses image in three dimensional with picture covering and forming system.

Yau (US.5,763,102) discloses method of making an intaglio three-dimensional solid sculpture.


*Contact Information*

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheela C Chawan whose telephone number is 703-305-4876. The examiner can normally be reached on Monday - Thursday 6 - 7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on 703-308-5246. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SCC  
Sheela Chawan  
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May 25, 2004



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